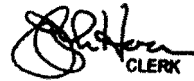


**FILED**

MAY 08 2013

 CLERK

## UNITED STATES DISTRICT COURT

## DISTRICT OF SOUTH DAKOTA

## SOUTHERN DIVISION

\* \* \*

MICHAEL PYLE,

Plaintiff,

vs.

LIBERTY INSURANCE  
CORPORATION,

Defendant.

CIV. NO. 13-4050

COMPLAINT

\* \* \*

Plaintiff states:

1. The United States District Court, District of South Dakota, Southern Division, has jurisdiction over this civil matter pursuant to 28 U.S.C. § 1332. The matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs, and Stanley Peterson is a citizen of South Dakota and Defendant is a Massachusetts corporation with its principal place of business is located in Boston, Massachusetts.

2. On May 29, 2007, Plaintiff was driving a vehicle that was violently rear-ended by an underinsured motorist. The underinsured motorist was negligent in failing to observe the rules of the road, which negligence was the proximate cause of Plaintiff's injuries.

3. By reason of the underinsured motorist provisions of the contractual insurance policy with Liberty Insurance Corporation, Plaintiff is entitled to benefits to fully compensate him for all damages and losses more likely than not caused by the underinsured motorist up to Plaintiff's limits of coverage.

4. As a direct and proximate result of the underinsured motorist's negligence, Plaintiff has suffered excruciating pain, permanent impairment, mental and emotional anguish, loss of life's pursuits, has incurred medical expenses of at least \$217,730.67, has lost income in the amount of at least \$11,951.68, and all of the same will continue in the future.

WHEREFORE, Plaintiff prays for judgment against the Defendant and that he be awarded an amount of money damages that will adequately compensate him for the injuries, harm, losses and expenses, both past and future, and for pre-judgment and post-judgment interest thereon, and for such other and further relief as the Court may deem just and equitable under the circumstances.

DEMAND FOR JURY TRIAL

Plaintiff demands trial by jury on all issues so triable.

DATED this 7<sup>th</sup> day of May, 2013.

OLINGER, LOVALD, MCCAHHEN  
& REIMERS, P.C.  
117 E. Capitol, P.O. Box 66  
Pierre, South Dakota 57501-0066  
(605) 224-8851

BY:

  
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LEE C. "KIT" MCCAHHEN  
Attorney for Plaintiff